## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA HAMMOND DIVISION

MARCIA SHERMAN,	)	
Plaintiff,	)	
VS.	)	NO. 2:20-CV-292-PPS-APR
NATIONAL RAILROAD PASSENGER CORPORATION, a/k/a AMTRAK,	) ) )	
Defendant.	)	

## <u>ORDER</u>

Plaintiff, Marcia Sherman, filed a "Dismissal Order" which I construe as a stipulation to dismiss. [DE 26.] Plaintiff requests to dismiss the case with prejudice and "[t]he Court shall retain jurisdiction to enforce the terms of the settlement of this cause, to adjudicate any liens or subrogation claims, and to apportion Plaintiff's attorney's fees." [DE 26.]

I am unwilling to take such a course in view of the Seventh Circuit's criticism of such conditional dismissals or "springing orders" for the uncertainty they create. *See Shapo v. Engle*, 463 F.3d 641, 643-44 (7th Cir. 2006); *Otis v. City of Chicago*, 29 F.3d 1159, 1163 (7th Cir. 1994). Therefore, the "Dismissal Order" [DE 26] is DENIED. The parties are granted leave to file another stipulation of dismissal that is not conditional. ENTERED: April 6, 2021.

/s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT